

### REMARKS

This responds to the Office Action mailed on August 10, 2007.

Claims 1 and 18 are amended; as a result, claims 1-2 and 4-39 are now pending in this application.

#### §103 Rejection of the Claims

Claims 1-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Publication No. 2002/0099649A1), hereinafter Lee, in view of three other references including Cook (U.S. 6,853,987), Findley (U.S. 6,108,642) and Tsiounis et al. (U.S. Publication No. 2001/0039535A1), hereinafter Tsiounis.

Claim 1 recites in part:

“receiving, by the payment facilitator via a web site interface associated with the payment facilitator, sale information pertaining to a purchase of a product from a seller, wherein the sale information includes an email address for the seller; ...

...receiving, by the payment facilitator via the web site interface, payment information from a buyer, where the payment information includes an email address for the buyer, and wherein the payment information is received from the buyer in response to an email generated invoice sent to the email address of the buyer or sent in response to an email generated notification of a location that the buyer can acquire the email generated invoice where the location is sent to the email address of the buyer...”

(Emphasis added.)

The Examiner admitted in the Office Action mailed on August 10, 2007 that Lee is silent to the interaction between the payment facilitator and the buyer. (Office Action, page 3, fourth paragraph). However, the Examiner stated that in Figure 1, steps 10, 12 and 13, Tsiounis teaches communication between the buyer and a payment facilitator, and then concluded that it would

have been obvious to incorporate such teaching in the system of Lee in order to provide a more secure transaction. Applicants respectfully disagree.

Tsiounis teaches that a customer operates a web browser and sends order information to a merchant server. The merchant server receives the order information and transmits back to the customer transaction information such as, a payment price, description of goods sold, etc. The merchant server then triggers the presentation of a payment window to the customer. Tsiounis then teaches different options of presenting the payment window to the customer. (paragraph 36 to paragraph 52)

Applicants submit that Tsiounis does not teach “receiving, by the payment facilitator via the web site interface, payment information from a buyer, where **the payment information includes an email address for the buyer**, and wherein **the payment information is received from the buyer in response to an email generated invoice sent to the email address of the buyer or sent in response to an email generated notification of a location that the buyer can acquire the email generated invoice where the location is sent to the email address of the buyer...**”, as claimed in claim 1. (Emphasis added.)

Furthermore, Tsiounis does not teach the payment facilitator receiving sale information from a seller and payment information from a buyer using the same web site interface associated with the payment facilitator, as specified in claim 1.

Applicants submit that, at least for one of the above reasons, the 103 rejection has been overcome, and claim 1 and its dependent claims 2, 4-18 are patentable over Lee in view of Cook, Findley, and Tsiounis. For the same reasons, Applicants submit that independent claims 19 and 27, and their corresponding dependent claims are also patentable over Lee in view of Cook, Findley, and Tsiounis.

### **CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (408) 278-4059 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

### **Reservation of Rights**

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants' silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 09/615,638

Filing Date: July 13, 2000

Title: A METHOD AND SYSTEM FOR DETECTING FRAUD

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Respectfully submitted,

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Date October 31, 2007

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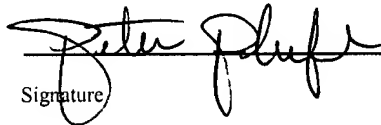
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 31st day of October 2007.

PETER REBUFFONI

Name

  
Signature